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LETTER DATED 13 FEBRUARY 1991 FROM THE PERMANENT REPRESENTATIVE OF TUNISIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Following the decision taken by the Security Council at its 2977th meeting on 13 February 1991 to meet in closed session, I have the honour to transmit to you herewith, on instructions from my Government, the text of the statement prepared by my delegation which was to have been delivered at the official, open meeting of the Security Council called for jointly by the five States members of the Arab Maghreb Union, including Tunisia, on 23 January 1991.

I should be grateful if you would have this letter and the attached statement distributed as a document of the Security Council.

(Signed) Ahmed GHEZAL
Ambassador
Permanent Representative

Annex

[Original: Arabic]

Statement dated 13 February 1991

Mr. President,

My country's delegation is delighted to see Zimbabwe, a sister African country, represented by its Permanent Representative to the United Nations, assuming the presidency of the Security Council for the current month of February and offers you its sincere congratulations on this occasion. We are confident that you will direct the work of the Council in the most efficient manner by virtue of your high standing in our continent and throughout the world, as well as your personal qualities and your experience and competence.

I also have pleasure in thanking your predecessor, Ambassador Bagbeni Adeito Nzengeya, the Permanent Representative of Zaire, for his endeavours while presiding over the Council in the month of January.

Mr. President,

Since 23 January 1991, Tunisia, in association with the other member States of the Arab Maghreb Union, has been requesting the holding of this urgent meeting of the Security Council to consider the serious situation in the Gulf region. Other countries have also submitted similar requests.

Mr. President,

By virtue of the responsibilities and powers vested in it under the Charter of the United Nations, the distinguished Security Council is the United Nations organ entrusted with the maintenance of international peace and security in order to save mankind from the scourge of war; this constitutes one of the most important purposes for which the United Nations was established, as indicated in the first paragraph of the Preamble to the Charter.

Accordingly, in view of the trust that has been placed in it, we expect the Security Council to meet spontaneously and without delay, as it did on 2 August in order to deal with the crisis that arose from the entry of Iraqi forces into the territory of Kuwait and their occupation of that country.

In fact, the Council adopted 12 resolutions between 2 August and 30 November 1990 and, under the terms of resolution 678 (1990), set 15 January as a deadline for the Iraqi withdrawal from Kuwait.

We can see no justification for the Council's failure to meet since 15 January, in spite of the outbreak of the war, nor for the attempts to prevent it from responding to the requests made by Member States of the United Nations, and even by members of the Security Council itself, in order to deliberate on the new situation arising from the commencement of large-scale hostilities, which have constantly escalated and have intensified the dangers threatening the region.

Today, these dangers have extended to numerous countries and there is a risk that the scope of this disaster might have a baneful effect on international peace and security and might even lead to the use of weapons of mass destruction.

The Member States of the United Nations have an unquestionable right, as affirmed in the Charter and the provisional rules of procedure of the Council, to request that the Council be convened so that they can express their views on matters relating to international peace and security.

It has been said that the time is inappropriate for a favourable response to the Maghrebi request. However, we do not accept the logic that there are inappropriate times to work for peace, to put an end to war and to seek a peaceful solution to an international crisis, since this would run counter to the primary and most noble purpose specified in the Charter of the United Nations.

As far as we are aware, some members have proposed that the Council should hold a private meeting, as provided for in rule 48 of its provisional rules of procedure. However, we cannot see the justification for that proposal, since it fails to meet the request of the countries of the Arab Maghreb and, in particular, in our view, does not meet the requirements of the present situation. The Council has persistently remained silent on the serious events in the Gulf for almost two and a half months. We fear that, under the present circumstances, this proposal might constitute a dangerous precedent in regard to the Council's recognition of the right of Member States to express their views, freely and without restriction, before the Council on matters relating to international peace and security. It might also constitute a dangerous precedent in regard to the Council's assumption of its responsibilities in this connection and also vis-à-vis international public opinion since, for the first time, a general debate would be held before the Council at a closed meeting. For all these reasons, the delegations of the States of the Arab Maghreb Union have notified Your Excellency in advance that they would not participate in such a meeting.

Mr. President,

Your distinguished Council has never ceded, and cannot cede, its responsibilities to any other body. In this connection, it should be noted that, in acknowledgement of those responsibilities, the distinguished Council did, in fact, decide to remain seized of the matter of the situation in the Gulf, as indicated in operative paragraph 5 of resolution 678 (1990).

In view of the serious situation arising from the outbreak of the war in the Gulf, the countries of the Arab Maghreb embarked on a peaceful initiative by calling for a meeting of the Security Council, not on the suggestion or at the request of any party nor as an expression of opposition to any party whatsoever, but merely with a view to sparing bloodshed, saving the region from further destruction and devastation and maintaining international peace and security.

In a statement issued on 17 January, the Tunisian Government appealed to your distinguished Council to endeavour to put an end to the war as soon as possible. On 31 January 1991, Mr. Zine al-Abidine ben Ali, President of the Republic of Tunisia, sent letters to the Heads of State of the member States of the Security Council, calling upon them to facilitate and support the Maghrebi initiative. On the same day, the Minister for Foreign Affairs sent a letter to the President of the Security Council, concerning the dangers threatening peace and security as a result of the Gulf war.

Tunisia was one of the first States to announce its rejection of the occupation and to call for withdrawal from Kuwait, initially in an official government statement and subsequently within the context of the resolution adopted by the Council of the League of Arab States on 3 August. Tunisia has also complied fully with all the resolutions adopted by the Security Council on the basis of Chapter VII of the Charter. Since 2 August 1990, President Zine al-Abidine ben Ali has done his utmost to promote a peaceful solution, particularly within the Arab context, and has made representations to all the influential Arab and international parties concerned, and also to the Secretary-General of the United Nations.

Although those endeavours proved fruitless - and there was a possibility that they and other peaceful initiatives might have borne fruit, as happened when the foreigners were enabled to leave Kuwait and Iraq - that did not deter Tunisia from continuing its peaceful representations. In this connection, Tunisia embarked on numerous initiatives, which continued until 14 January when, with the permission of the President of the Republic, it proposed that the Security Council should announce a date for the holding of an international peace conference on the Middle East during the present year in order to find a peaceful, just, comprehensive and lasting solution to the question of Palestine and the Arab-Israeli dispute on the basis of the Security Council's own resolutions, in the belief that such a step would enable the Security Council to shoulder its responsibilities in regard to the Middle East, which has been looking to it and to the international community for justice for more than 40 years. That would also undoubtedly pave the way for a peaceful solution to the Gulf crisis and for the restoration of Kuwait's freedom and sovereignty.

In this regard, I can only express my deep sorrow that the Council has not as yet responded to Tunisia's request for the consideration of its proposal. This is inconsistent with the principles and purposes of the United Nations, which are based on justice and equality in dealing with events and disputes, and not on discrimination and selectivity. Justice, peace and security are indivisible principles and Tunisia is therefore maintaining and reaffirming its request in the hope that the Council will respond to it without delay.

Mr. President,

The numerous initiatives on which Tunisia has embarked since the outbreak of the Gulf crisis, on an individual basis and also in association with other countries of the Maghreb, have been motivated by its firm commitment to the principles of justice and peace and its consistent desire to settle disputes by peaceful means.

We believe that the international community did not exhaust all peaceful ways and means before resorting to war. We note that this devastating war, in spite of its ferocity and the sophisticated weapons that have been used to cause severe loss of life and damage to institutions in Iraq, has not led to the liberation of Kuwait; on the contrary, the war is escalating every day, with the consequent risk of the use of weapons of mass destruction and extension of the scope of the war in a manner that could trigger an explosion throughout the region.

History has shown that solutions imposed by force and resulting from wars engender hatred and resentment without eliminating the real causes of disputes; they also fail to create conditions conducive to the establishment of relations based on lasting peace and mutual confidence among peoples and States. The quest for peaceful and just solutions is the best guarantee of stability and security in the Middle East.

Mr. President,

The 15th of January was the deadline set by the Council for the Iraqi withdrawal from Kuwait and not for the commencement of the war, as proved to be the case.

The events that we have witnessed since 16 January have created a new situation that necessitates a review and rapid action on the part of the Council; a devastating war is being waged against Iraq, the infrastructure and human and material resources of which are being targeted. The air raids have not spared any location in Iraq and are being continued relentlessly. In spite of the censorship and obscurantism which have recently characterized the international information media in an unprecedented manner, we have seen unbearable pictures of the civilian victims of war, including children and elderly persons, in Iraq, particularly at Basra, in addition to the damage and destruction suffered by residential areas and civil institutions such as schools and hospitals.

This indiscriminate devastation has even extended to civilian shelters, as we observed in this morning's tragedy in which the conscience of the world was shaken by the devastating raid on a shelter in a residential area of the Iraqi capital, in which hundreds of defenceless women, children and elderly persons lost their lives.

We also wonder, with great concern, about the possibility of the dissemination of gases and nuclear radiation as a result of the bombardment of chemical and nuclear installations in Iraq. Was this the purpose of the Security Council resolutions, including resolution 678 (1990)? We do not believe that it was. The Council's clearly-expressed purpose in adopting those resolutions was to liberate Kuwait.

The distinguished Council is an instrument for the maintenance of peace, the avoidance of war and the settlement of international disputes, primarily by peaceful means and negotiation. In fact, this has been the Council's customary practice, which was imposed on the conflicting parties in the case of the question of Namibia, Angola, racial discrimination in South Africa, the Iran-Iraq war, Afghanistan, Cambodia and Central America. However, that example has not yet been followed in the case of the question of Palestine and the Arab-Israeli dispute.

The bombardment of Iraq, with all the consequent damage and destruction, will lead to a serious imbalance that could give Israel an opportunity to embark on further expansion and aggression. The clearest evidence of this can be found in the statement made by the Israeli Prime Minister after the attack on the Iraqi nuclear research centre in 1981, in which he arrogated to himself the right to bomb any Arab country in order to prevent it from achieving scientific progress.

Mr. President,

Resolution 678 (1990) made provision for the use of all necessary means. Those means, although unspecified, are undoubtedly numerous and varied and some of them are detailed in Article 41 of the Charter. However, no provision was made for resort to war. If that had been the intention, there would have been no delay in the adoption of the clearly-defined measures contained in Articles 39, 42, 43, 46 and 47 of the Charter of the United Nations.

Can it be said with certainty that the Council intended to exclude any means, including peaceful means, other than war, which is permitted neither by the Charter nor by the lofty purpose for which the Council was established.

An even more serious aspect can be found in the fact that the war that we have been witnessing since 16 January was launched against cities and installations in Iraqi territory, the very existence of which, as a country and a people, was targeted, although the Council's objective was to liberate Kuwait.

At the same time, we cannot disregard the fact that neither the Council nor its Military Staff Committee, nor the Secretary-General, had any hand in planning the use of force or leading or even supervising the military operations. The Council did not conclude agreements with any of the States members of the coalition, as provided for in Article 43 of the Charter. Under these circumstances, does the Council have any firm guarantee that some States might not participate in the coalition and in the ongoing military operations in order to further certain interests or serve particular purposes other than the liberation of Kuwait?

Mr. President,

When the cold war ended, the world rejoiced and prepared to harvest the fruits of peace and enjoy the benefits of a new international order based on the rule of law, peace and security. However, the world is now being propelled into a war which could have the most baneful consequences.

We want the new international order to be based on real justice and peace, on the settlement of international disputes by peaceful means, and on equality rather than discrimination and selectivity. The Security Council has a historic responsibility to render international relations impervious to the logic of violence and force and to finally renounce such logic when dealing with problems and disputes between nations and peoples.

We expressed our optimism that the United Nations would recover its standing and its central role within the context of the new international order with a view to building a future based on cooperation for development, prosperity, peace and security among nations and peoples in an atmosphere in which the rule of law, mutual understanding, equality, democracy and respect for human rights would prevail. Today, we expect your distinguished Council to make every effort to ensure that those hopes are not disappointed and that the logic of force and the language of weapons do not prevail.

Mr. President,

In an address to the Tunisian people on Saturday, 26 January, President Zine al-Abidine ben Ali appealed to all the Arab and Muslim leaders and all peace-loving persons throughout the world who believe in the right of peoples to peace and security to call upon the Security Council to put an end to the hostilities and apply international law without discrimination or remissness, through the holding of an international peace conference during the present year in order to put an end to the Gulf crisis and find a solution to all the Middle Eastern questions, particularly the question of the struggling Palestinian people, since this question will remain a constant source of dire instability in the region until it is solved in a just and lasting manner that guarantees the right of the Palestinians to the establishment of their State on their land.

In the same address, he also said: "In our address on 11 August, we made it clear that we are against the use of force, by any party whatsoever, for the purpose of imposing solutions. We expressed our belief, which we still hold, that all questions, however complex, can be solved by peaceful means. We also believe that a rational approach, although it might be abandoned by one party, must not be abandoned by the international community. Although the problems facing the region have separate histories and direct causes, they are interrelated in regard to their geographical location and indirect motives. Sound and lasting solutions must be just and comprehensive, even though based on a specified time schedule.

Mr. President,

Tunisia appeals to the Council to adopt an early resolution calling for an end to this war, which has begun to threaten peace and security throughout the Middle East and has transcended the provisions of your distinguished Council's resolutions, in order to provide a proper opportunity for the achievement of a peaceful solution to the Gulf crisis. We appeal to the Council to renounce the logic of war, which is incompatible with the principles and purposes of the Charter, and to adopt the logic of peace and peaceful solutions.

We call upon the distinguished Security Council to announce an immediate cease-fire, even if only for a specified period of time, in order to provide an opportunity for peaceful endeavours and propitious attempts to find a peaceful solution to the conflict within the framework of international law and in accordance with the principles of the United Nations, with a view to the maintenance of international peace and security.

Thank you, Mr. President.